

CITY OF SCOTTSDALE
May 18, 2010 - FEDERAL LEGISLATIVE UPDATE

COLLECTIVE BARGAINING LEGISLATION

S. 3194, *Public Safety Employer-Employee Cooperation Act of 2009* would provide collective bargaining rights for public safety officers employed by states and local governments. The bill defines public safety officers to mean “an employee of a public safety agency who is a law enforcement officer, a firefighter, or emergency medical services personnel.”

Background

In 1935, the U.S. Congress passed the National Labor Relations Act (NLRA). The broad intention of the act was to guarantee employees “the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid and protection.”

There were specific exemptions to the provisions of the NLRA that included airlines, railroads, agriculture, and government. The provisions of the NLRA were later expanded under the Taft-Hartley Labor Act of 1957 and the Landrum-Griffin Act of 1959.

In January of 2009, Congressman Dale Kildee (D-MI) introduced H.R. 413, which was the House version of the Public Safety Employer-Employee Cooperation Act of 2009. H.R. 413 would, among other provisions, effectively remove the government exemption from the National Labor Relations Act to provide collective bargaining rights to public safety personnel at the state and local governmental level. H.R. 413 was assigned to the House Committee on Education and Labor but was held in committee.

In August of 2009, Senator Judd Gregg (R-NH) introduced S. 1611, which was the Senate version of the Public Safety Employer-Employee Cooperation Act of 2009. After introduction, S. 1611 was assigned to the Committee on Health, Education, Labor, and Pensions but did not pass out of this committee.

On April 12, 2010, Senate Majority Leader Harry Reid (D-NV) reintroduced the Public Safety Employer-Employee Cooperation Act as S. 3194 (an identical version of S. 1611) and used existing Senate rules to bypass the committee process to allow the bill to move directly to the Senate floor for consideration.

Provisions of S. 3194

If passed, S. 3194 would first require the Federal Labor Relations Authority (FLRA) to review and determine whether existing state laws provide for specified rights and responsibilities for public safety officers in accordance with the provisions of this act. The FLRA would be required to develop regulations that would:

1. Grant public safety employees the right to form and join labor organizations;
2. Direct state and local governments to recognize the public safety employee's labor unions;
3. Require local governments to collectively bargain over hours, wages, and terms and conditions of employment;
4. Require states and local governments to establish an impasse resolution process;
5. Require state courts or administrative agencies to enforce the rights established under S. 3194;
6. Direct every state – even if they currently recognize employee collective bargaining rights – to conform to the provisions of S. 3194 within two years of the bill's effective date.

Additionally, provisions of S. 3194 would prohibit public safety employers, employees, and unions from engaging in lockouts, sickouts, work slowdowns, or strikes.

Status of S. 3194

S. 3194 was introduced on April 12, 2010. It has been placed on the Senate Calendar under General Orders – allowing it to receive a vote by the Senate body.

If you have any questions or would like more information on any of the issues outlined in this report, please contact the Government Relations Office.